IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.9881 of 1999

Dated: 11-04-2007

Between:

1. Smt. V. Padmamma, w/o late Sri V. Ram Reddy and another.

... Petitioners

and

1. The District Collector, Hyderabad and 2 others.

... Respondents

ORDER:

Heard learned counsel for the parties.

2. Petitioners state that second petitioner is the daughter of first petitioner and the husband of first petitioner, namely, V. Rami Reddy purchased an extent of 115 sq. yards from one Mallaiah on 03-09-1979. In 1979 itself the husband of first petitioner constructed a house in the said premises, which was given Municipal Door No.1-2-607/35/A/6.

The husband of first petitioner executed a registered gift deed on 05-07-1985 bequeathing the said premises in favour of her and later she executed a registered gift deed on 06-08-1998 in favour of her daughter, second petitioner herein, to an extent of 48.20 sq. yards from out of the total extent of 115 sq. yards. They further state that while so, the revenue authorities filed O.P.No.81 of 1989 against them before the Chief Judge, City Civil Court, Hyderabad-cum-Special Tribunal under Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (for short, 'Land Grabbing Court') claiming that the said land belongs to the Government. The Land Grabbing Court after enquiry by an order dated 05-04-1996 though allowed O.P.No.81 of 1989, held that they are entitled to claim the benefits of G.O.Ms.No.331 dated 21-04-1991 and G.O.Ms.No.508 Revenue (Assignment-I) Department dated 20-10-1995 in case they fulfill the required conditions mentioned in the said G.Os. In pursuance of the order in O.P.No.81 of 1989, they presented application before first respondent for regularization and also presented further representations to all respondents, but respondents particularly third respondent instead of regularizing their possession threatening that they will demolish the premises in question. In those circumstances, they approached this Court and filed the instant writ petition seeking a *mandamus* to direct respondents to regularize their application relating to H.No.1-2-607/35/A/6, Subhash Chandra Bose Nagar, Domalguda, Hyderabad in pursuance of the order, dated 05-04-1996 passed in O.P.No.81 of 1989 on the file of the Land Grabbing Court.

3. Despite the fact that the notices are served, respondents have not chosen to file any counter affidavit.

4. Evidently, third respondent filed O.P.No.81 of 1989 stating that

petitioners herein are land grabbers, but, however, the land Grabbing Court, having regard to the long possession of petitioners herein directed respondents to consider their case for regularization if they come within the purview of G.O.Ms.Nos.331 and 508. As it is the contention of petitioners that they are in possession of the said lands and building right from 1979, they come within the ambit of the said G.Os., and thus gave application seeking regularization of their possession. The authorities,

in my considered view are duty bound to pass orders on the said application and hence, *mandamus* is issued directing respondents to consider the application of petitioners and pass appropriate orders in terms of the order dated 05-04-1996 passed in O.P.No.81 of 1989 on the file of the Land Grabbing Court.

5. Accordingly, the writ petition is allowed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.11-04-2007
GLV